

<b>Guide for Review of Lead-Based Paint Compliance for Rehabilitation in Insular Areas</b>			
<b>Name of Program Participant:</b>			
<b>Staff Consulted:</b>			
<b>Name of Grant Program Reviewed:</b>			
<b>Project File Name/Location:</b>		<b>Date Funds Awarded:</b>	
<b>Name(s) of Reviewer(s):</b>		<b>Date:</b>	

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

**Instructions:** This Exhibit is designed to monitor programs involving rehabilitation for units in an insular area. The definition of the level of rehabilitation assistance pertaining to the threshold established in this Exhibit can be found at 24 CFR 35.915(b). This definition is clarified in the June 21, 2004, technical amendment to the Lead Safe Housing Rule. This Exhibit is divided into two sections: Section A pertains to examination of individual files to assess project compliance. Complete a separate Section A for each file reviewed. Section B contains questions evaluating overall program compliance and is to cover a single program only – the one under which the Section A file reviews are conducted and in conjunction with program participant staff interviews. Information on LBP sampling guidance and developing corrective actions is given in Chapter 24, Section 24-6.

**Questions:**

A. INDIVIDUAL FILE REVIEW

1.

Was this project evaluated for applicability of the Lead Safe Housing Rule? (If the response is “yes” AND the project meets the regulatory exemption standards, skip to Section B. If “yes” and the project is <u>not</u> exempt, continue with the remaining questions in Section A.) [24 CFR 35.115]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Describe Basis for Conclusion:</b>		

2.

Was the level of rehabilitation assistance (or total amount of Federal housing assistance) for this project calculated correctly and documented in the project file? [24 CFR 35.915]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Describe Basis for Conclusion:</b>		

3.

Does the project file include the following documents (to be kept for at least three years) necessary to demonstrate compliance with the Lead Safe Housing Rule and, when the program participant is the seller or lessor, the Lead Disclosure Rule:		
a. Documentation of receipt by homeowner or occupant of the Lead Hazard Information Pamphlet? [24 CFR 35.910(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b. If the program participant was a seller or lessor: the lead warning statement, disclosure if known information about lead-based paint, and acknowledgement of receipt of this information by the buyer or lessee? [24 CFR 35.88]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> N/A	

Exhibit 24-4  
Lead-Based Paint Compliance

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<p>c. Documentation of a visual assessment (if the average amount of Federal rehabilitation assistance exceeds \$5,000 per unit)? (Visual assessment is not required for units receiving up to and including an average of \$5,000 in Federal rehabilitation assistance.) [24 CFR 35.940(b)(1)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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<p>d. If the average level of rehabilitation assistance to the property is more than \$5,000 and paint stabilization was performed, did the homeowner or residents receive a Notice of Lead Hazard Reduction? [24 CFR 35.910(a)]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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<p>e. A clearance report showing the work area passed clearance by an independent clearance examiner (if amounts of paint disturbed are over the <i>de minimis</i> amounts)? [24 CFR 35.940(a)(2) - up to and including \$5,000 per unit; 24 CFR 35.940(b)(3) - over \$5,000 per unit]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<p><b>Describe Basis for Conclusion:</b></p>          	
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4.

<p>Does the project file show documentation of the use of lead safe work practices (e.g., language in the work write-up, contract with workers or other appropriate document)? [24 CFR 35.940(a)(1) - up to and including \$5,000 per unit; 24 CFR 35.940(b)(2) - over \$5,000 per unit]</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<p><b>Describe Basis for Conclusion:</b></p>          	
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<p>Based on your review, were occupants and their belongings protected during work (e.g., documentation of temporary relocation, language in rehabilitation contract, homeowner's agreement, or other appropriate document)?</p> <p>[24 CFR 35.940(a)(1) - up to and including \$5,000 per unit; 24 CFR 35.940(b)(2) - over \$5,000 per unit; interim controls - 24 CFR 35.1330(b)(6); 24 CFR 1345 - occupant protection]</p> <p><b>Describe Basis for Conclusion:</b></p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <input type="checkbox"/>  <b>Yes</b> </div> <div style="text-align: center;"> <input type="checkbox"/>  <b>No</b> </div> </div>
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6.

<p>Does the program consistently and accurately assess projects for possible exemption from the applicability of the requirements of 24 CFR Part 35? [24 CFR 35.115]</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p><b>Describe Basis for Conclusion:</b></p>		

Does the program determine the level of rehabilitation assistance to the project? [24 CFR 35.915]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
<b>Describe Basis for Conclusion:</b>		

For activities receiving an average of more than \$5,000 per unit in Federal rehabilitation assistance, does the program ensure that properly qualified or supervised workers are conducting rehabilitation lead hazard reduction activities? [24 CFR 35.940(b)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Describe Basis for Conclusion:</b>		

Does the program participant have staff who are knowledgeable about HUD's lead-based paint regulations? [24 CFR 35.170]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
<b>Describe Basis for Conclusion:</b>		

10.

<p>Does the program ensure that the Lead Safe Housing Rule's requirements regarding worker and occupant safety are shared with the entities and individuals who perform the rehabilitation work on painted surfaces, such as contractors and subrecipients (e.g., subgrantees, non-profits, Community Housing Development Organizations, Community Development Corporations and volunteer groups)?</p> <p>[24 CFR 35.940(a)(2) - for properties receiving an average of up to and including \$5,000 in Federal rehabilitation assistance per unit; 24 CFR 35.940(b)(2) - for properties receiving an average of more than \$5,000 in Federal rehabilitation assistance per unit]</p>	<div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-around;"> <b>Yes</b> <b>No</b> <b>N/A</b> </div>
<p><b>Describe Basis for Conclusion:</b></p>	

11.

<p>If the project assistance involves occupant relocation, does the program ensure that occupants are relocated to units free of lead hazards and their belongings are protected?</p> <p>[24 CFR 35.1345(a)(2)]</p>	<div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div style="display: flex; justify-content: space-around;"> <b>Yes</b> <b>No</b> <b>N/A</b> </div>
<p><b>Describe Basis for Conclusion:</b></p>	

12.

<p>If the program performs rehabilitation on historic properties, does the program staff work with State Historic Preservation Officers (SHPOs) and use interim controls and ongoing lead-based paint maintenance, instead of abatement for historic properties if the SHPO requests it? (See Section 24-8.A. and Attachment 24-2.) [24 CFR 35.115(a)(13)]</p>	<table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Yes</td><td>No</td><td>N/A</td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p><b>Describe Basis for Conclusion:</b></p>							

13.

<p>Does the program ensure that applicants are not being denied rehabilitation services based on familial status or disability and that pre-1978 homes of families with children less than age six are being tested and treated for lead hazards when triggered by the regulation? NOTE: The Fair Housing Act prohibits denial of services, including Federally funded housing rehabilitation, based on familial status (presence of children under age 18) or disability. [24 CFR 100.50(b)(2); 24 CFR 35.115(a)(3)]</p>	<table><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Yes</td><td>No</td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				
<p><b>Describe Basis for Conclusion:</b></p>					

<p>During its monitoring for compliance with housing quality standards during the period of affordability, does the program participant review HOME rental projects owners' records to ensure that ongoing maintenance is being performed in accordance with 24 CFR 35.1355? [24 CFR 92.504(a)]</p>	<div> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div> <div> Yes No N/A </div>
<p><b>Describe Basis for Conclusion:</b></p>	